

## AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: VAR-20487 - APPLICANT: THE ISLAND DEVELOPMENT, LLC - OWNER: NEAR AND FAR, LLC

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*THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 15, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.*

### **\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

#### *Planning and Development*

1. Approval of and conformance to the Conditions of Approval for Variances (VAR-21263), (VAR-20488), Special Use Permits (SUP-20486), (SUP-20740) and Site Development Plan Review (SDR-20484) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a proposed Variance (VAR-20487) to allow a 15-foot setback where a 250-foot setback is required adjacent to a collector street for a mixed-use 50-story high rise within the Redevelopment Overlay District but outside of the Downtown Centennial Plan Overlay area.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
06/01/2005	City Council approved a Special Use Permit to allow an Indoor Swap Meet at the location.
06/14/07	The Planning Commission recommended approval of companion items VAR-20488, VAR-21263, SUP-20486, SUP-20740 and SDR-20484 concurrently with this application.
	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #23/yk).
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
	N/A
<i>Pre-Application Meeting</i>	
Month/date/year	Description
02/23/07	The applicant was informed of the Variances and Special Use Permits required for the project to move forward. FAA requirements were also discussed. The applicant was advised of schools and churches in the area.
<i>Neighborhood Meeting</i>	
Month/date/year	N/A
<i>Field Check</i>	
04/09/07	A large vacant one-story structure sits on the northwest corner of the lot with a parking lot on the south and east sides of the building. The proposed project is located on an "island" created by Maryland Parkway, 13 <sup>th</sup> Street and Lewis Avenue.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	127,159 square feet
Net Acres	80,048 square feet

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	Mixed Use	C-1 (Service Commercial)
North	Apartments/office	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)
South	Apartments/retail	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)
East	Apartments	Mixed Use	R-3 (Multi-Residential) R-4 (Multi-Residential)
West	Apartments/office	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
Downtown Centennial Plan		X	Y
Iron Mountain Ranch		X	Y
Grand Canyon Village		X	Y
Grand Teton Village		X	Y
John S. Park Historic Neighborhood		X	Y
Las Vegas Enterprise Park		X	Y
Las Vegas Medical District		X	Y
Las Vegas Spectrum		X	Y
Lone Mountain		X	Y
Lone Mountain West		X	Y
PD (Planned Development) District		X	Y
Redevelopment Plan Area	X		Y
Summerlin		X	Y
Technology Center		X	Y
T-D Traditional Development District		X	Y
T-C Town Center District		X	Y
West Las Vegas Plan		X	Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
C-V (Civic) District		X	Y
P-C (Planned Community) District		X	Y
R-PD (Residential Planned Development) District		X	Y
PD (Planned Development) District		X	Y
Downtown Overlay District		X	Y
G-O (Gaming Enterprise Overlay) District		X	Y
A-O (Airport Overlay) District		X	Y
H (Historic Designation)		X	Y
Downtown Casino Overlay District		X	Y
T-C (Town Center) District		X	Y
Downtown Entertainment Overlay District		X	Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District		X	Y
T-D (Traditional Development) District		X	Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>	X		Y
<b>Project of Regional Significance</b>	X		Y

## DEVELOPMENT STANDARDS

Per Title 19.08.050(C)(6) mixed-use developments that exceed the permitted lot coverage limitation may be permitted upon approval of a Special Use Permit in accordance with Sections 19.04.050 and 19.18.060. In addition, a mixed-use development shall be subject to all of the following requirements:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100'	305'	Y
Min. Setbacks			
• Front	20'	20'	Y
• Side	8'	15'	Y
• Corner	15'	15'	Y
• Rear	8'	N/A	N/A
Min. Distance Between Buildings			N/A
Max. Lot Coverage	50%	60.57%	N *
Max. Building Height	N/A	N/A	N/A

Trash Enclosure	Yes	Yes	Y
Mech. Equipment Screened	Yes	Yes	Y
Commercial & Residential Component	Yes	Yes	Y
Commercial uses are facing public right of way	Yes	Yes	Y
Residential use are above the ground level	Yes	Yes	Y

\* Special Use Permit (SUP-20486) for a mixed-use project is a companion case.

Per Title 19.08.060(B) a waiver of the 3:1 proximity slope is allowed for any mixed-use development that contains a significant residential element.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	No/w waiver	No	Yes, if waiver is approved
Adjacent development matching setback	N/A	N/A	N/A
Trash Enclosure	Yes	Yes	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	2 Trees	10	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	48 Trees	123	Y
<b>TOTAL</b>				Y
Min. Zone Width	15 Feet		15 Feet	Y
Wall Height	N/A		N/A	N/A

*Pursuant to Title 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Studio & One bedroom units	457 Units	1.25 per unit + 1 per 6 units	647	N/A	648		
2 bedroom units	32 Units	1.75 per unit + 1 per 6 units	61	N/A	61		

3 bedroom units	8 Units	2 per unit + 1 per 6 units	17	N/A	16		
Handicapped Units	10 Units			10		10	
<b>Sub Total</b>	<b>497 Units</b>		<b>725</b>	<b>10</b>	<b>725</b>	<b>10</b>	
Office	64,800 SF	1 per 300 SF	216	7	216		
Retail	6,500 SF	1 per 250 SF	26	2	26		
Grocery	22,500 SF	1 per 250 SF	90	5	90		
Restaurant Seating	2,000 SF	1 per 50 SF	40	2	40		
Restaurant Other	3,600 SF	1 per 200 SF	18	1	18		
Other					6		
Handicapped						10	
<b>SubTotal</b>	<b>99,400 SF</b>		<b>390</b>	<b>17</b>	<b>396</b>	<b>10</b>	Yes
<b>TOTAL (including handicap)</b>			1,115	27	1,121	18	Yes
Loading Spaces			10		2		No

This project exceeds the minimum parking space requirements by 6 spaces. However, it does not meet the Title 19.10.010, 10 required loading dock spaces. It is short by 8 dock spaces. A companion variance (VAR-21263) case for this shortfall has been filed.

## ANALYSIS

The requested variance from the required setback adjacent to a collector street is due solely to the design of the building. A smaller building could easily be designed to meet this site without the need for a variance. Staff finds this variance request to be without merit and recommends denial.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by not providing the required setback from adjacent collector streets. Alternative building design would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site’s physical characteristics, it is concluded that the applicant’s hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 3

**NOTICES MAILED** 469 by City Clerk

**APPROVALS** 9

**PROTESTS** 0